

AMENDED IN SENATE JUNE 7, 2006

AMENDED IN SENATE MAY 8, 2006

AMENDED IN ASSEMBLY JANUARY 23, 2006

AMENDED IN ASSEMBLY JANUARY 4, 2006

AMENDED IN ASSEMBLY APRIL 11, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 874

Introduced by Assembly Member Wolk

February 18, 2005

An act to add Chapter 5 (commencing with Section 3860) to Part 2 of Division 4 of the Fish and Game Code, relating to wildlife, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 874, as amended, Wolk. Avian flu wildlife surveillance.

Existing law creates the Fish and Game Commission in the Resources Agency, and provides for the regulation by the Department of Fish and Game of the taking of various bird species, including prohibiting the taking of certain nongame birds. Existing law also provides for the preservation of certain bird species.

This bill would enact the Avian Flu Wildlife Surveillance Act to require the Resources Agency, in consultation with the Department of Food and Agriculture, the State Department of Health Services, the Office of Emergency Services, and the University of California, to develop and implement a plan for the surveillance, monitoring,

sampling, diagnostic testing, and reporting of avian influenza in wild birds and animals in the state, among other things. The bill would require the Secretary of the Resources Agency to establish the Avian Influenza Working Group, composed of specified members, to assist in the development and implementation of the plan. The bill would require the Director of Fish and Game, on or before *October 1, 2006*, to submit a status report, and on or before July 1, 2007, to compile and submit—a *an updated* report, on the development and implementation of an avian influenza detection and response plan for wild birds. *The bill would require these reports to be submitted* to the Legislature, the Chair of the Assembly Committee on Water, Parks and Wildlife, and the Chair of the Senate Committee on Natural Resources and Water. The bill would appropriate \$1,000,000 from the General Fund to the Department of Fish and Game for purposes of implementing these provisions.

The bill would make legislative findings and declarations relating to avian influenza. The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5 (commencing with Section 3860) is
2 added to Part 2 of Division 4 of the Fish and Game Code, to read:
3
4 CHAPTER 5. AVIAN FLU WILDLIFE SURVEILLANCE ACT
5
6 3860. This chapter shall be known, and may be cited, as the
7 Avian Flu Wildlife Surveillance Act.
8 3861. The Legislature finds and declares all of the following:
9 (a) Avian influenza and other emerging diseases of wildlife
10 are a serious threat to the people of California.
11 (b) California is home to large populations of migratory birds
12 and other wildlife species.
13 (c) California is a central part of the Pacific Flyway, and a
14 seasonal home to species of birds that migrate to and from Asia,
15 Central America, South America, and other regions.
16 (d) Surveillance of wild birds and animals across the state is a
17 key element among efforts to prevent avian influenza and other

1 emerging wildlife diseases from harming the people and the
2 natural resources of the state.

3 (e) In the interest of public health, the state shall support an
4 effective surveillance program for avian influenza and other
5 emerging wildlife diseases in wild bird and animal populations.

6 3862. The Resources Agency, in consultation with the
7 Department of Food and Agriculture, the State Department of
8 Health Services, the Office of Emergency Services, and the
9 University of California, shall develop and implement a plan for
10 the surveillance, monitoring, sampling, diagnostic testing, and
11 reporting of avian influenza in wild birds and animals in the
12 state. The Resources Agency shall consult with the United States
13 Fish and Wildlife Service and the United States Department of
14 Food and Agriculture in developing the plan.

15 3863. (a) The Secretary of the Resources Agency shall
16 formally establish the Avian Influenza Working Group to assist
17 in the development of the plan described in Section 3862. The
18 Avian Influenza Working Group shall utilize, as guidance *for*
19 *early detection*, the national protocol that has been developed to
20 guide states in developing state-specific plans, known as the
21 Early Detection System for Asian H5N1 Highly Pathogenic
22 Avian Influenza in Wild Migratory Birds. The Avian Influenza
23 Working Group shall also continue, enhance, and facilitate the
24 work already begun by the Department of Fish and Game, other
25 state departments, and the University of California, to coordinate
26 communication of information and response plans for highly
27 pathogenic avian influenza in wild birds.

28 (b) The Avian Influenza Working Group shall be composed of
29 all of the following members:

- 30 (1) One representative of the Resources Agency.
31 (2) One representative of the department.
32 (3) One representative of the Department of Food and
33 Agriculture.
34 (4) One representative of the State Department of Health
35 Services.
36 (5) One representative of the Office of Emergency Services.
37 (6) One representative of the Regents of the University of
38 California.
39 (7) One representative from a qualified research organization.

1 (c) The Secretary of the Resources Agency shall appoint the
2 members of the Avian Influenza Working Group as soon as
3 practicable.

4 (d) The Avian Influenza Working Group shall be headed by a
5 chairperson, selected by the working group from among its
6 members.

7 (e) A majority of the Avian Influenza Working Group shall
8 constitute a quorum for the transaction of business.

9 (f) The duties of the Avian Influenza Working Group shall
10 include all of the following:

11 (1) Developing and implementing strategies for the detection
12 of, and response to, the avian flu virus in wild birds in California.

13 (2) Fostering communication among state and federal agencies
14 regarding the avian influenza surveillance program.

15 (g) The Avian Influenza Working Group may consult with
16 other public and nonprofit groups potentially affected by avian
17 influenza in wild birds.

18 3864. On or before *October 1, 2006*, the director shall submit
19 a status report, and on or before July 1, 2007, the director shall
20 compile and submit ~~a report~~ *an updated report*, on the
21 development and implementation of an avian influenza detection
22 and response plan for wild birds in the state. ~~This report~~ *These*
23 *reports* shall be submitted to the Legislature, the Chair of the
24 Assembly Committee on Water, Parks and Wildlife, and the
25 Chair of the Senate Committee on Natural Resources and Water.

26 SEC. 2. The sum of one million dollars (\$1,000,000) is
27 hereby appropriated from the General Fund to the Department of
28 Fish and Game for purposes of implementing Chapter 5
29 (commencing with Section 3860) of Part 2 of Division 4 of the
30 Fish and Game Code.

31 SEC. 3. This act is an urgency statute necessary for the
32 immediate preservation of the public peace, health, or safety
33 within the meaning of Article IV of the Constitution and shall go
34 into immediate effect. The facts constituting the necessity are:

35 In order to rapidly implement avian influenza early detection
36 surveillance activities and enhance California's preparedness for
37 and response to the threat of highly pathogenic H5N1 avian
38 influenza, it is necessary that this act take effect immediately.

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